

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

THERESA VONDRA, DONNA  
PODOLAK, LYNDA LARVIE, and  
ADAM POULOS,

Plaintiffs,

vs.

CITY OF BILLINGS

Defendant.

CV 22-30-BLG-KLD

ORDER

This Section 1983 action challenging the constitutionality of a City of Billings ordinance regulating massage and spa facilities comes before the Court on a Pro Se Motion to Quash Defendant's Subpoenas to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action. (Doc. 44). Defendant City of Billings has served subpoenas for the production of documents on the following non-parties pursuant to Rule 45 of the Federal Rules of Civil Procedure: (1) Business League of Massage Therapy and Bodywork (BLMTB) c/o Patricia Brusati, Registered Agent; (2) Deborah Kimmet, Deb Kimmet Massage and Movement LLC; and (3) Susan Carlson, Rocky Mountain School of Massage. (Doc. 44-1). The subpoenas served on BLMTB and Carlson

command the production of documents by May 12, 2023, and the subpoena served on Kimmet commands the production of documents by May 19, 2023. (Doc. 44-1).

Kimmet, Brusati, Carlson, and a fourth non-party, Vianna Myles (collectively “Non-Parties”) – all of whom are proceeding pro se – have filed a motion to quash or modify these “and any other subpoenas issued to members of the BLMTB Board of Directors” on several grounds, including that the subpoenas are overbroad and unduly burdensome. (Doc. 44). Plaintiffs do not oppose the motion. Defendant City of Billings opposes the motion, but does not object to extending the deadline for the production of documents. (Doc. 44 at 5).

Accordingly, and to ensure that all parties to this action have the opportunity to respond,

IT IS ORDERED that the May 12, 2023 and May 19, 2023 deadlines for the production of documents set forth in the subpoenas are temporarily suspended pending resolution of the Non-Parties’ motion to quash.

DATED this 10<sup>th</sup> day of May, 2023.



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Kathleen L. DeSoto  
United States Magistrate Judge